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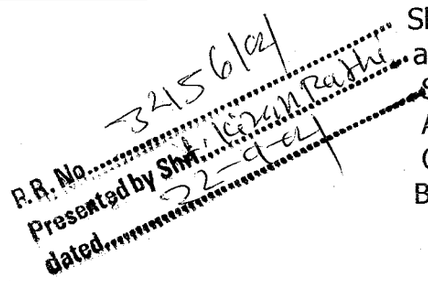
C.S. 100

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W. P. NO. 3359 OF 2004

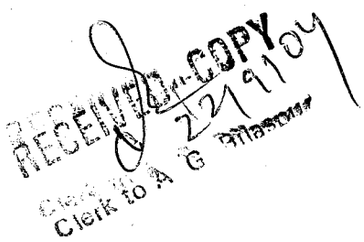
PETITIONER



Paritosh Kumar Dubey, S/o Late Shri Hari Charan Dubey, aged about 55 years, Occupation-Service, presently posted as Accountant, Community Health Center, Lormi, Tahsil Lormi, Bilaspur [Chhattisgarh]

V E R S U S

RESPONDENTS



1. State of Chhattisgarh through The Secretary, Department of Health & Family Welfare, Mantralaya, Dau Kalyan Singh Bhawan, Raipur [Chhattisgarh]

2. Chief Medical & Health Officer, Bilaspur District Bilaspur [CG]

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.3359/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11/01/2005: -

Shri Ashish Shrivastava learned counsel for the petitioner.

Shri Sandeep Dubey, learned Panel Lawyer, for the State/respondents.

Heard on the question of admission of this writ petition.

Learned counsel appearing for the petitioner submits that the petitioner who is working on the post of Assistant Grade-III in Community Health Centre, Lormi has been transferred to the office of C.M.O, Jagdalpur. He also submits that by the said order two brothers of the petitioner have also been transferred from their respective place of posting to the office of CMO, Jagdalpur. During the course of arguments learned counsel made a limited prayer to the effect that the petitioner should be given an opportunity to file a detailed representation before the competent authority which shall be considered on its own merits in accordance with law. Learned counsel further submits that since two brothers of the petitioner have been transferred from their respective place of posting to the office of CMO, Jagdalpur, therefore, the transfer order (Annexure-P/1) suffers with mala fides on the part of the respondents.

Having considered the facts and circumstances of the case and without expressing any opinion on the merits of the case, in the opinion of this Court ends of justice would be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents along with a copy of this petition within a period of fifteen days from today and on such

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No.3359/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

representation being filed, the competent authority shall decide the same on its own merits in accordance with law by a reasoned order as early as possible preferably within a period of six weeks from the date of receipt of representation.

Learned counsel appearing for the petitioner makes this statement that the petitioner has not been relieved so far and he is working at his present place of posting i.e. in the office of Community Health Centre, Lormi.

On the above statement made at the Bar, it is also directed that till the representation is decided, the petitioner shall be allowed to continue on his present place of posting. Needless to mention that if the representation is not decided within the stipulated period referred to above, the matter shall be brought to the notice of this Court so that the order of this Court shall not be misused by either of the parties.

With the aforesaid observation, the writ petition stands disposed of.

C.C. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

[पीछे देखिये